Pension (1898) Department.

F. No 412/98

List

CURRENT No. 238

From The Public Works Dept

GOVERNMENT OF MADRAS 31 MAR 1898 PENSION DEPARTMENT

Order, 4th April 1898 No. 253.

Ordered accordingly.

No. 1729C

31.3.98

To The P.W.D with papers.

2/4/98

Dated 29th March 1898.

Received 31-3-98

Registered 31-3-98

Enclosures

Share copies

Send the original papers required by P.W.D

SUBJECT.

Requesting to

Returning for perusal the papers of Coscar G. Venkama.

be reopened in this dept

6/6/98

I submit the case may not be reopened.

BACK PAPERS.

G.O.	No.	Department.	Date.
"	684 448	Pen- do	6-7-97 8-7-94

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Pension (1898) Department.

CURRENT No. 412

From

The C. W. Supt

GOVERNMENT OF MADRAS 3-JUN.1898 PENSION DEPARTMENT. No. 383 D

Dated 1st June 1898

Received

Registered

Enclosures

Spare copies

SUBJECT.

G. Venkanna, late a lascar on the Irrigation Conservancy establt. Kistna Western division

Recommending the sanction of a gratuity to ——

For orders

The facts of the petitioner's case are detailed in the notes for orders under G.O. 684 dt 16 Sepr. 1897. (Flag C). They are however briefly stated below for ready reference.

The petitioner, late a lascar in the P.W.D., after a service of about 10 years on the permanent establishment of the Public works Dept, was transferred to "Works" in Augt 1893. He continued on the "Works" roll till the 18th May 1896 when he was dismissed as he was an opium-eater and was unable to walk more than 4 miles at a stretch or hold a staff steady for two minutes together. His appeal to the Chief Engineer against his dismissal having proved unsuccessful he applied for the gratuity due to him for his service of nearly 10 years rendered prior to his transfer to "Works", basing his claims on a Resolution of the Govt. of India in which it was ruled that the service of certain classes of inferior servants transferred [Flag D]

C 16/6/98.
A 18/6/98.

as the case stands it cannot be reopened in this dept
S.A. 6/6/98

Vide [illegible] submit the case may not be reopened.
MMM. C

from 'Establishment' to 'Works' shall qualify for pension or gratuity admissible for the qualifying portion of their service when they retire altogether from the service of Govt. The Govt., however, declined to grant any gratuity to the petitioner as he had been dismissed from his appointment ~~on the "Works" Establishment~~.

The lascar has now submitted a petition in which he contends that the grounds of his dismissal were not such as to entail the forfeiture of his claim to a retiring allowance although they might uphold his retirement, provided he was certified by a Med.l officer to be unfit for further service, and he accordingly prays that he may either be reinstated in his appointment after being examined if necessary as to his physical fitness or otherwise for further service or (2) be granted a pension or gratuity as the case may be under the rules if he is found unfit for further service. The P.W.D. in referring the above petition to this Dept remarks as follows:-

"It seems that the man has a real grievance, because, "seeing that he had pensionable service, he should not "have been dismissed by the Executive Engineer for physical "disability. If the man had continued on the regular esta- "blishment, he could not have been dismissed the service for "physical ~~disability~~ incapacity and the case would have "been one for medical opinion. The fact that he had "pensionable service at the time of his dismissal was "no doubt lost sight of at the time, but it would be "hard to make him suffer for this oversight. The man

? Why not for physical incapacity caused by vicious habits?

Vide please the Govt. orders noted in G.O. Review 1884 to 6.9.93 May C

13 Dec 98

13 Dec 98

+ Rep to Pension Off. 26/6/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

(1) 572

(2) 572

The case should be returned to the D.P.W. with ref. to points (1) & (2)

A.A. 7.6.98

To D.P.W. re

S.K. 20/6/98

As the case stands it cannot be reopened in this dept

S.K. 6/6/98

"The man is evidently unfit for further service, but "he seems to have a claim to gratuity under the terms of "the letter from the Govt. of India printed with G.O. No. "W. of 23rd Jan.y 1894."

It is respectfully submitted that the applicants first request viz, that he may be reinstated in his appointment after being examined as to his physical fitness for further service, is one for consideration in the P.W.D.; while his second request for the grant of a retiring allowance cannot it is submitted be dealt with again so long as the order of dismissal stands. If the P.W.D. now considers that the punishment inflicted on the petitioner was unmerited it is open to that Dept. to cancel the order of dismissal and to direct the petitioner's examination by a Med.l officer as to his capacity for further service and if on such examination he is invalided, the question as to the grant of a retiring allowance to him may then be reconsidered.

Orders solicited.

MM 10/6/98

Secy

It is quite clear that the man's incapacity was due to his vicious habits. Under these circumstances whether he is to remain "dismissed" or to be declared "unfit" makes no difference so pension is admissible. Vide art 385 & 498 of C.S.R. I submit the case need not be reopened.

MM

No. 3830

Government of Madras,

Public Works DEPARTMENT.

MEMORANDUM.

Dated ~~Madras~~, 1st June ~~May~~ 1898.

Petition from G. Venkamah, late lascar, Conservancy Establishment, Kistna Western Division, dated 6th March 1898.

Proceedings, Pension Department, No. 253 dated 4th April 1898.

Referred to the Pension Department.

2. The petitioner, G. Venkanna, was formerly a lascar on the Irrigation Conservancy Establishment in the Kistna Western Division. In common with others in a similar position, his services were transferred from the head "Establishment" to the head "Works" in March 1893, i.e., his pay was charged to "Works" and his service no longer qualified for pension.

3. With the sanction of the Government of India, it was subsequently declared that all men so transferred from Establishment to Works would on their final retirement, receive gratuities for their period of qualifying service under the former head.

4. In

[P. W. 41. 1,000—28-2-98.]

4. In May 1896, the petitioner, G. Venkannah, as a member of the Works Establishment, was dismissed by Mr. Malet Executive Engineer, Kistna Western Division, on the ground that he was unable to walk more than 4 miles at a time, or to hold a level staff steady for 2 minutes together.

5. In February 1897, he appealed to the Chief Engineer against his dismissal, and on the case being referred to the Superintending Engineer II Circle for enquiry and report, it was elicited that the man was an opium eater which rendered him useless for the duties of a conservancy lascar. The Chief Engineer therefore declined to interfere in his favour.

6. The man next represented that prior to his transfer to the Works Establishment, he had about 10 years pensionable service, and he prayed for the grant of a gratuity for this service. A gratuity application was accordingly drawn up and sent to the Pension Department, but the grant of the gratuity was declined as the man had been dismissed from service, vide, Go. No 684 Pension dated 6th September 1897.

7. He now appeals to His Excellency in Council, stating that he was dismissed on insufficient grounds, and praying either that he might be reinstated in his appointment,

or

or granted a gratuity for his pensionable service.

8. The man was shown to be useless as a lascar required to assist in survey work, and the Pension Department acted under Article 385 of the Civil Service Regulations in refusing to grant the gratuity after dismissal.

9. It seems that the man has a real grievance, because, seeing that he had pensionable service, he should not have been dismissed by the Executive Engineer for physical disability. If the man had continued on the regular establishment, he could not have been dismissed the service for physical incapacity and the case would have been one for medical opinion. The fact that he had pensionable service at the time of his dismissal was no doubt lost sight of at the time, but it would be hard to make him suffer for this oversight. The man is evidently unfit for further service, but he seems to have a claim to gratuity under the terms

of

not at all! no one has a claim

of the letter from the Government of India printed with G.O. No 203 W dated 23rd January 1894.

A S Russell
Under Secretary.

The Secretary Department with papers in original.

Enclosure No 1.

PWD

Notice

CHIEF SECRETARY
10 MAR 1893
GOVERNMENT OF MADRAS

You are hereby informed that your services will be transferred to works establishment after three months from date of receipt of this notice under G O No 840 W dated 28th March 1893.

2. You are hereby informed that you are not entitled to a pension, but that subject to the orders of Government, You will be granted a gratuity for the period you have served Government prior to the date of receiving this notice provided the length of such service is more than five years.

[Sd/-] S. Gopalakrishna Iyer
Executive Engineer
Kistna Western Div
25-4-93.

Station Duggirala
Date 27-4-93.

To

G. Venkanna
Lascar 3rd grade

/True Copy/

Enclosure No 2

Memo No 191 Dr
18-5-96.

As G. Venkanna Della Lascar 1st grade Supernumerary is unable to walk more than 4 miles at a Stretch or to hold a level staff steady for two minutes together, his services are dispensed with.

Sd/ A. A. G. Malet
Executive Engineer

193 M dy 18-5-96

Copy forwarded to G Venkanna Della Lascar through the Eastern Sub Div Officer.

Sd/ A. A. G. Malet.
Executive Engineer
14-5-96.

No 169 R dy 22-5-96

Forwarded to Lascar G. Venkanna through Overseer

Sd/ L. D. Venkataraman
Assistant Engineer.

No 99 dy 26-5-96.

Forwarded.

Sd/ E. J. Jordan.
Overseer
25.5.96.

/True copy/

T.W.S./2366/96

Enclosure No. 3

Petition from Gavereselly Venkanna late Delta Lascar requesting to favor him with copies of papers connected with his dismissal to enable him to appeal to Superintending Engineer.

No. 227 P
11-11-96

The petitioner is at liberty to appeal but no copies of papers except order No. 191 will be given him.

Sd/ W. C. Lewis.
Executive Engineer
Kistna Western Division.

/True copy/

P.W.E.3
23.6.98

Enclosure No. 4

To.

The Superintending Engineer
II Circle.

Most Honoured Sir.

I most humbly beg to appeal against the order of the Executive Engineer Kistna Western Division No. 191 Indy 18-5-96, dispensing with my services.

The only negre grounds of dismissal are:- 1 that I am unable to walk more than 4 miles at a stretch and (2) that I am unable to hold a level staff steady for two minutes together. These are based by the mere report made by the Sub Division Officer Mr. L. D. Venkatrama Iyer, against me for reasons best known to himself and which I am compelled to place before your honor hereinafter.

The fact that I am physically unable to walk more than 4 miles and to hold a level staff has not been supported by any medical officer under whose observation I had never been put was by the Executive Engineer nor the latter pleased to personally examine me if I was really so.

It is but cruel and unjust to remove me from the service upon the unqualified report of the Sub Division officer without a medical certificate of my physical unfitness, and without a word of explanation from me.

I have served in the Military Department for 7 years and as a Lascar in the D. P. W. for 13 years I am now only 43 years old and strong enough to combat any amount of hard work

during my past service and I have not been found fault with by Superior officer. It is thus clear that there are no public grounds on which the dismissal order was based. I am therefore obliged to emphatically to say that it is the outcome of private grudge entertained by the Sub Division officer. I was attached to him as [illegible]

I was once asked by his mother to carry her wet clothes and those of her relations after a bath from the river to Vadheswaram. The greatest sin, if your honor consider it to be so that I committed was that I hesitated to carry particularly the wet clothes left by the females and on her insisting that I should do it, I promptly obliged her order, though much against my will.

I applied to the Executive Engineer for Copy of Correspondance on the Subject, but I could not get any but Copy of the dismissal order.

For which act of Kindness and justice, I shall as in duty bound ever pray.

I beg to remain
Most Honoured Sir.
Your most obedient Servant
[illegible]

2-12-96.

/True Copy/

[illegible]

P.W.S. 2351/98.

Enclosure No. 5

No 2714 Kln dated 2-1-97.

From

The Superintending Engineer
Second Circle

To.

G. Venkamnah
late Lascar
Kistna Western Division.

Refer his petition dated 2-12-1896.

The Superintending Engineer accepts the opinion of the Executive Engineer that it is not desirable to reemploy G. Venkamma late lascar.

/By order/
/sd/ J. R. Upshow
Manager
for Supg Engineer II Circle.

No 854 E dated 6-1-97.

Forwarded through the Executive Engineer Kistna Western Division.
No. 8542 of 6-1-97 Forwarded
/sd/ W. E. Lewis.
Executive Engineer

No 1225 Rdy 9-1-97.

Forwarded to G. Venkanna through Delta Superintendent Inter Section.

/True copy/

No 269 dy 17-1-97.

/sd/ L. D. Venkatramiah
Asst Engineer.

Enclosure No. 6

To.

The Chief Engineer
Public works Department
Madras.

The most humble petition of Gavenisetty Venkanna, late a Lascar, first grade, Kistna Western Division.

Most Honoured Sir.

This is an appeal against the order of the superintending Engineers No 2714 Kw dated 2-1-97 Confirming the opinion of the Executive Engineer as to my most unjust and groundless dismissal.

I beg to state that it is, at present, worth while for your honor, to deal with the question of dismissal, the grounds of which will be quite clear from copies of Correspondence herewith Submitted and if called for and referred to from copies relating to the matter in the offices of the Executive Engineer and Superintending Engineer which I have not been able enough to procure.

Upon presenting my appeal petition to the Superintending Engineer, he was kind enough to examine me in person as to the necessary points stated therein and he seemed as if convinced that I am fit for further service and expressed that justice would be done to me. This necessitated his referring my

petition to the Executive Engineer and thereupon I have reason to believe that some further correspondence must have taken place between the two, though no mention of which is made in his endorsement numbered and dated above.

If, after a close examination of the facts it will be found that my dismissal is based upon a lurking grudge on the part of the Sub-Divisional Officer, but not upon any plausible grounds, there will be an end of the matter, and I will be re-instated, and if after the very examination, it will be found, that I should be doomed, to a dismissal, my most, humble and final prayer is that I should be sent up to the Medical officer of the District for an examination as to my further fitness, and that upon his opinion, which has not been as yet, taken by any of your subordinates, I should be finally removed from Service.

In case, I will be found unfit for further service, I beg, I may be granted a gratuity since I am of 13 years standing in the Department, and since I am not dismissed for any fault, which is penal.

In this Connection I beg to add that I am of a well-built Constitution and ready to undergo any physical examination of any description, that Consequently, I have no hesitation to appear in person before your honor if required, as I did before the Superintending Engineer and that thereby, I can also fully convince your honor regarding my fitness in question.

For which act of Kindness and justice, I shall, as in duty bound ever pray.

I beg to remain

Most Honoured Sir.

Your most Obedient Servant.

8.2.97. [illegible]

/True Copy/

[illegible]

P.W.S. 6
2384/98

Enclosure No 7

No 1863 C

Government of Madras

Public Works Department.

Memorandum.

Dated Madras 1st April 1897.

Petition from G. Venkamma, late lascar, Kistna Western Division, dated 8th February 1897 appealing against his dismissal.

Petitioner is informed that the Chief Engineer declines to interfere in his favor

(sd) D. Mc. Campbell col R.E.
Chief Engineer

The petitioner.

/True copy/

Enclosure No. 8

To.

The Chief Engineer
Public Works Department

Sir.

× Wells No. 28 25C 29-6-97

With reference to your kind endorsement No. 1863C of 1-4-97 declining to interfere in my case, I beg to bring to your notice once more that my services as Work Establishment lascar in the Kiolu Western Division have been dispensed with without any fault of mine. Simply on the ground that I am unable or unfit for the active Services. I am a permanent lascar in the Conservancy Establishment for about 10 years and my Services were transferred to the Work Establishment agreeably to G. O. No. 8405 dated 28-3-93.

I therefore pray you will be so kind as to issue orders that an application may be prepared on my behalf for payment of gratuity for the period of 10 years permanent service prior to my transfer to the Work Establishment, agreeably to the notice of 27-4-93 (Copy enclosed) served on me by the Executive Engineer K. W. Div.

I beg to remain
Sir
your most obedient Servant
[illegible]

31-5-97

[illegible]

[illegible]

P.W.S. 2/2366/98

Enclosure No. 9

G. No. 698

Pension Department.

Proceedings of the Madras Government

Read the following paper.

From the Examiner P. W. Accounts.

dy 11-8-97 No. 474 B.

Forwarding gratuity application of G. Venkamma, Nallamada lock lascar.

Endorsement of the P. W. D dy 20-8-97 No 3581

Order thereon 6th sep 97 No. 684.

As the applicant was dismissed from his post the Government decline to sanction the payment to him of any gratuity.

/True Extract/

/sd/ F. J. Wilson

for Secy to Government.

No. 1674 KW dy 10. 9. 97.

Communicated to the Executive Engineer Kistna Western Division with reference to his No. 119 S dy 26. 6. 97.

/By order/

/sd/ G. R. Upshon.

Manager

Supg Engineer's Office.

No. 959 In dy 21-9-97.

Copy forwarded to G. Venkamma for information

/True Copy/

/sd/ W. C. Lewis.

Executive Engr

K. W. Dn.

P.W.S. 8
2366/98

P.W.S 9
2366/95

To

His Excellency the Right Honorable
Sir Arthur Elebank Havelock. G.C.M.G
G. C. I. E., Governor in Council
Fort Saint George. Madras.

The humble representation of Gaveriselly
Venkanna lately a lascar on the Permanent
Conservancy Establishment in the Western
Division, Kistna District.

Most respectly showeth that,

1. Your petitioner was a lascar on the Permanent Conservancy Establishment of the Kistna District until that establishment was transferred to works under G.O. No. 840 dated 28 March 1893.

2. At the time of this transfer the petitioner had already put in a service of 13 years and a hope was then held out to him that men in his position who were in pensionable service and who were transferred to non-pensionable service would be given a gratuity for the service rendered in such previous service. Under the terms of the said order the petitioner continued in service till May 1896.

3. Unfortunately for the petitioner, he became about this time the subject of displeasure to the Sub Divisional officer Mr. L. D. Venkatramaiyar under whom he was serving, by reason of your petitioner declining to render certain private services, which were specified by his

× Vide Notice dated 27th April 93. Copy enclosed.
Enclosure No. 1.

+ [illegible] Service was certified [illegible] for [illegible] of [illegible] years [illegible]

masters family, and which men of your petitioners caste consider objectionable & derogatory to their status in society and with a grudge against the petitioner, the sub Division officer reported him to the Executive Engineer Kistna Western Division and got him dismissed the service by an order No. 191 W dated 18th May 1896 of the said Executive Engineer.

4. The dismissal of the petitioner was based on 2 grounds viz.

that he was unable to walk more than 4 miles at a stretch and

that he was unable to hold a level staff steady for two minutes together

both circumstances, on which medical opinion would seem called for, and which will not, even if the medical opinion is unfavorable to your petitioner, warrant your petitioner being dismissed so as to lose all his title for pension or gratuity.

5. your petitioner applied for copies of the papers relating to his case with the object of preferring an appeal to the higher authorities but he was refused this concession which is ordinarily shown to all aggrieved parties.

6. The petitioner appealed, notwithstanding to the Superintending Engineer II nd Circle against the order of the Executive Engineer and the Superintending Engineer though originally inclined to do him justice, was subsequently led by the report of the Executive Engineer to whom the subject was by him again referred, and the result was that your petitioner was told that the superintending Engineer accepted the opinion of the Executive Engineer that it was not desirable to reemploy petitioner.

7. This endorsement shows plainly that the Executive Engineer who dismissed the petitioner did not stop with the grounds originally adduced in support of the dismissal but that new grounds were imported. What these new grounds are, are unknown to the petitioner.

8. Your humble petitioner then appealed to the Chief Engineer but he was unfortunate there also, the Chief Engineer having declined to interfere.

9. Your petitioner then prayed as a last resort for gratuity on the ground that his dismissal was not one for misconduct but for circumstances which implied physical incapacity for service, though this incapacity was not pronounced by a professional authority and even here he was not fortunate, the Government having declined to sanction gratuity on the ground your petitioner was dismissed the service.

10 Under the above circumstances your Excellency's humble petitioner is entitled for a

× Copy enclosed Encl No. 2

× Copy of order dy 2-1-97 enclosed Encl No. 5

× Copy of appeal dy 8-2-97 enclosed Encl No. 6

× Copy of order dy 4-9-97 enclosed Encl No. 7

× ... applicating + for 9 enclosed Encl No. 8

* Copy of order enclosed Encl No. 3.

* Proceedings of Govt Ch No. 698 dy 6-9-97 Copy enclosed Enclosure No. 9.

× Copy of appeal petition dy enclosed Encl No. 4

P.W.S. 5/2311

consideration of the following particulars and for the redress of his grievance.

(a) that the two grounds, adduced by the Executive Engineer (in his Dr. 191 dated 18-5-96 enclosure Dr. 2 to this petition) are not grounds which will entail upon your petitioner the forfeiture of all his claims for pension or gratuity though they may entail upon him the loss of his appointment if pronounced by an officer entitled to make such a statement.

(b) That your petitioner had lost his capacity for work was a statement to have been made by a District Medical Officer and so long this had not been done, your petitioner has a claim for reinstatement.

(c) That the circumstance of additional reasons having been adduced by the Executive Engineer as it seems to be the case from the Endorsement of the Superintending Engineer, (enclosure Dr. 5 to this petition) should not be facts against your petitioner in asmuch as they were not made in the first instance and seem to have been added simply to strengthen the case against him

11. Your petitioner therefore most humbly prays that

He may be re-instated on, on a consideration of the above facts either with or without a Medical Examination of his capacity for further service in the Department.

or

if after Medical examination (should such an examination be deemed necessary) he is found unfit for duty, that orders be issued for paying him gratuity or pension whichever he is found entitled to.

P.W.S. 5/2311

For which act of kindness your Excellency's humble petitioner shall as in duty bound ever pray

Bezwada
6th March 1898

(Sd) Gavarisetty Venkanna.

The address of the Petitioner is:—

Gavarisetty Venkanna.
Seetanagaram
Kistna District.

G. Venkanna, late,
lascar Kistna Western
Division —
Representation from —

No. 1929C

Government of Madras,

Public Works DEPARTMENT.

MEMORANDUM.

Dated Madras, 29th March 1898.

With reference to G.O. No. 684 Pension dated 6 September 1897, the undersigned has the honour to request that the original papers forwarded with this office No. 3581C dated 20 August 1897, relative to the case of lascar G. Venkanna may be returned for perusal.

C. A. D. Barlow.
Under Secretary to Government

To

The Pension Department.

[P. W. 41. 1,000—28-2-98.]